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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,954

07/22/2003

Steffen Derhardt

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EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

05/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,954

Applicant(s)

DERHARDT, STEFFEN

Examiner

JILL E. CULLER

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the arguments submitted with the Appeal Brief filed on February 11, 2009, PROSECUTION IS HEREBY REOPENED. A new rejection of the claims is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,228,390 to Jahn in view of U.S. Patent No. 2,853,943 to Royer and U.S. Patent No. 6,490,974 to Wadlinger et al.

With respect to claims 1 and 8, Jahn teaches throwing-on impression and throwing -off impression in a printing press, comprising: an impression cylinder, 3, a single cylinder, 2, acting as a form cylinder, a blanket cylinder, or both; an applicator roller, 1; a cylinder throw-on and throw-off bearing for throwing said single cylinder on and off said impression cylinder, said cylinder throw-on and throw-off bearing including a rotatably mounted actuating element, 4. See column 4, lines 1-28 and the Figures.

Jahn does not teach a roller throw-on and throw-off bearing for throwing said applicator roller on and off said single cylinder said bearing including a first rotatably mounted actuating element, a coupler forming a coupler mechanism together with said first and second actuating elements, and a thrust joint having a dead thrust travel and articulately connecting one of said actuating elements to said coupler, said thrust joint having a slot and a joint pin, said joint pin covering a thrust travel within said slot while throwing said single cylinder on and off said impression cylinder, and said slot having a length greater than said thrust travel.

Royer teaches a device for throwing-on and throwing-off a press element in a printing press including a single cylinder, 15, acting as a form cylinder, an applicator roller, 32, 33, a roller throw-on and throw-off bearing for throwing said applicator roller on and off said single cylinder including a rotatably mounted first actuating element, 37, 38, a cylinder throw-on and throw off bearing for throwing said single cylinder on and off

said impression cylinder, including a rotatably mounted second actuating element, 12, 13, and a coupler forming a coupler mechanism together with said first and second actuating elements. See column 2, line 28 - column 3, line 26 and the Figures.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Jahn to include a throw-on and throw-off bearing for the applicator roller, and a coupler mechanism to connect the bearings, as taught by Royer, in order to be able to move the applicator roller in conjunction with the movement of the form cylinder.

Wadlinger et al. teaches a device for throwing-on and throwing-off a press element in a printing press including a thrust joint, 29, having a dead thrust travel and articulately connecting an actuating element to a coupler, 28, said thrust joint having a slot and a joint pin, said joint pin covering a thrust travel within said slot while throwing said single cylinder on and off said impression cylinder. See column 6, lines 41-64 and Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Jahn to include the thrust joint of Wadlinger et al. in order to better control the positioning of the coupler mechanism.

It should be noted that Wadlinger is silent concerning the length of the slot for the thrust joint with respect to the distance of the thrust travel. Although there is no explicit teaching that the slot has a length greater than the thrust travel, there is also no teaching that this is not the case. As such, the length of the slot would appear to be a matter of design choice, having no apparent patentable significance and therefore is

Art Unit: 2854

considered to be obvious to one having ordinary skill in the art. Furthermore, as a distance of thrust travel would be measured from the center of the pin, rather than from the edge of the slot, it is inherent that the length of the slot would be longer than that of the distance traveled.

With respect to claim 2, although Wadlinger et al. does not explicitly teach that said first actuating element is an eccentric bushing, Wadlinger et al. does teach that the first actuating element is eccentrically mounted and it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the actuating mechanism of Wadlinger et al. to mount the single applicator roller of Jahn in an eccentric bushing, as it is well known in the art to apply the structural advantages of an eccentric bushing in a system with a movable roller.

With respect to claim 3, Jahn teaches the second actuating element is a cam ring. See column 4, lines 22-28.

With respect to claim 4, Jahn does not teach that said thrust joint connects said first actuating element to said coupler.

Wadlinger et al. teaches that said thrust joint connects a first actuating element to a coupler, 28. See column 6, lines 41-64 and Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Jahn to include the thrust joint of Wadlinger et al. in order to better control the positioning of the coupler mechanism.

With respect to claims 5-6, Jahn does not teach that said thrust joint is a rotary and thrust joint wherein the joint pin is to be rotatably and displaceably guided in said slot.

Wadlinger et al. teaches that said thrust joint is a rotary and thrust joint wherein the joint pin is to be rotatably and displaceably guided in said slot. See column 6, lines 41-64 and Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Jahn to include the thrust joint details of Wadlinger et al. in order to better control the positioning of the coupler mechanism.

With respect to claim 7, Jahn teaches said applicator roller is associates with said at least one form and blanket cylinder as a single applicator roller. See column 4, lines 1-14 and the Figures.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument with respect to Wadlinger et al., applicant's description of the two operating modes of the invention refer to subject matter which is not included in the claims and therefore cannot be relied upon to distinguish applicant's invention from the prior art.

Furthermore, as is noted in the above rejection, a distance of thrust travel would be measured from the center of the pin, rather than from the edge of the slot, it is

Art Unit: 2854

inherent that the length of the slot would be longer than that of the distance traveled.

Therefore applicant's claim language is not sufficient to distinguish the invention over the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JILL E. CULLER whose telephone number is (571)272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/
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